



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street
San Francisco, Ca. 94105

SFUND RECORDS CTR

2807-00131

88166504

14 SEP 1988

GENERAL NOTICE LETTER

URGENT LEGAL MATTER - - PROMPT REPLY NECESSARY

CERTIFIED MAIL # P 735 586 507 : RETURN RECEIPT REQUESTED

Norman Zetterquist
Director of Process Development
Genus Incorporated
515 Ellis Street
Mountain View, CA 94043

Re: Raytheon, Intel and Fairchild Superfund Sites (MEW site)
Middlefield - Ellis - Whisman Area,
Mountain View, California

Dear Mr. Zetterquist:

NOTICE OF POTENTIAL LIABILITY

This letter notifies you of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9607(a), as amended (CERCLA), that you may incur or may have incurred with respect to the MEW site. This letter also notifies you of potential response activities at the site, which you may be asked to perform or finance at a later date.

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the MEW site. EPA has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the site. Unless EPA reaches an agreement under which a potentially liable party or parties will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6973, as amended (RCRA), and other laws, potentially liable parties may be obligated to

implement response actions deemed necessary by EPA to protect the public health, welfare or the environment and may be liable for all costs incurred by the government in responding to any release or threatened release at a site. Such actions and costs may include, but are not limited to, expenditures for conducting a Remedial Investigation and Feasibility Study (RI/FS), conducting a Remedial Design and Remedial Action (RD/RA) and other investigation, planning response and enforcement activities.

EPA has evaluated information in connection with the investigation of the MEW site concerning persons who may be associated with it. Based on this evidence, EPA believes that you may be a potentially responsible party with respect to the site. Potentially Responsible Parties (PRPs) under CERCLA include current and former owners and operators of the site as well as persons who arranged for disposal of hazardous substances found at the site, or persons who accepted hazardous substances for transport to the site. Specifically, you are the owner/operator of a facility located at the MEW site. EPA has reason to believe that releases from your facility may have contributed to contamination at the site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you to voluntarily perform or finance those response activities that EPA determines are necessary at the site.

In accordance with CERCLA and other authorities, EPA has already undertaken certain actions and incurred certain costs in response to conditions at the site. These response actions include enforcement and oversight of other PRPs who have undertaken a Remedial Investigation and Feasibility Study (RIFS) at the MEW site. EPA may expend additional funds for response activities at the MEW site under the authority of CERCLA and other laws.

SITE RESPONSE ACTIVITIES

At present, EPA is planning to conduct the following activities at the site:

1. Investigations of sources of contamination and the extent of soil and ground water contamination at or in proximity to your facility.
2. Remedial Design and Remedial Action (RD/RA) to design and implement the remedial action selected and approved by EPA for the site.
3. Follow-through activities to monitor, operate, and maintain the completed remedial action as required at the site after the remedial action is complete.

With regard to (1) above, Potentially Responsible Parties at the MEW site are responsible for investigations and remedial actions concerning not only the area-wide ground water plume, but also investigation and remediation of releases or threatened releases of hazardous substances from their own facilities pursuant to Section 3013 of RCRA, 42 U.S.C. Section 6934, and/or Sections 104 and 106 of CERCLA, 42 U.S.C. Sections 9604 and 9606. EPA has specific authority under CERCLA to require PRPs to conduct investigations and provide information regarding releases or threatened releases of hazardous substances. EPA is currently in the process of gathering such information and to that end, will be contacting you in the near future to request that you conduct such an investigation.

In the event that contamination is continuing to spread due to a release from your facility, EPA believes that it would be prudent to initiate and complete these investigations as soon as possible. EPA encourages you to enter into an agreement with EPA regarding this work. If you should decide to independently undertake any such investigation you should follow appropriate EPA guidances and regulations with regard to sampling, analysis, chain-of-custody, quality assurance/quality control and data validation in order to assure the validity of such data and to ensure that any work performed or costs expended will be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan 40 CFR Part 300, November 20, 1985 (NCP). These guidances and regulations include, but are not limited to the Remedial Investigation and Feasibility Study Guidances and the RCRA Facility Investigation Guidance. Failure to follow appropriate guidance may result in any data, results or reports generated by such an investigation being unacceptable to EPA. EPA is willing to make available appropriate guidances and regulations and if you wish, to meet with you and/or your consultant to discuss an investigation as described in this section.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

EPA anticipates that you may receive an additional EPA notice in the future. That notice will either inform you that EPA is using the CERCLA Section 122(e) special notice procedures to formally negotiate terms of a consent decree to conduct or finance site response activities or it will inform you that EPA is not using such procedures pursuant to Section 122(e). If EPA does not use Section 122(e) special notice procedures, the notice will specify that special notice was not appropriate in this case.

Under Section 122(e), EPA has the discretionary authority to use the special notice procedures if EPA determines that such procedures would facilitate an agreement between EPA and the PRPs and would expedite remedial action at the MEW site. Use of the special notice procedures triggers a moratorium on certain EPA activities at the MEW site. The purpose of the moratorium is to

provide a period of time when PRPs and EPA may enter into formal negotiations for PRP conduct or financing of the response activities at the MEW site.

The moratorium for the RD/RA lasts for 60 days after the special notice is issued. If a good faith offer is submitted by the PRPs within those 60 days, another 60 days are automatically provided for additional negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of the moratorium period, EPA may terminate the negotiation moratorium under Section 122(e)(4) of CERCLA. EPA is then authorized to commence such cleanup or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or finance the necessary cleanup activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of site expenditures.

REQUEST FOR INFORMATION

Attached to this notice letter is an information request letter pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA. This letter was received by you on December 23, 1987 and your response was received by EPA on March 1, 1988. In your response, your answers to questions #6 and #7 provide information only from January 1987 to the present. This response is inadequate. EPA wishes to remind you that under Section 104(e) of CERCLA and Section 3007 of RCRA compliance with EPA information requests is mandatory and these federal authorities allow EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. EPA expects a complete response to the attached Information Request within thirty (30) days of your receipt of this letter.

INFORMATION TO ASSIST RESPONSIBLE PARTIES

EPA would like to encourage good faith negotiations between the PRPs and EPA. To assist the PRPs in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing the following information as an attachment to this letter:

1. A list of names and addresses of PRPs to whom this notification is being or has been sent. This list represents EPA's preliminary findings on the identities of PRPs. Inclusion on or exclusion from the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the site. EPA may update this list at any time and will notify you at the time of any update and supply you with the updated list.

PRP STEERING COMMITTEE

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interest. Establishing a manageable group is essential for successful negotiations with EPA. Alternatively, EPA encourages all PRPs to select one person from their company or organization who will represent their interest.

For information on PRP activities to date, you should contact:

George Gullage
Project Coordinator, MEW Study Area
c/o Raytheon Company
PO Box 7016
350 Ellis Street
Mountain View, CA 94039-7016
(415) 968-9211

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), EPA has established an administrative record file that contains documents that forms the basis of EPA's decision on the selection of a response action for the MEW site. This administrative record is open to the public for inspection and comment.

PRP RESPONSE AND EPA CONTACT

You should notify EPA in writing within 30 days of your receipt of this letter of your willingness to conduct or finance response activities at the site and to participate in possible future negotiations. If you are a member of a steering committee you may respond to this letter through your steering committee. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response activities at the site, and that you have declined any involvement in performing the response activities. You may be held liable by EPA under Section 107 of CERCLA for the cost of the cleanup activities EPA performs at the site.

In your response to this letter, please indicate the appropriate name, address, and telephone number for further contact. If you already are involved in discussion with state or local authorities, engaged in voluntary cleanup action, or will be involved in a lawsuit regarding this site, you should continue such activities as appropriate. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter, and to provide a copy of the response to any other parties involved in those

discussions or actions.

Your response to this letter should be sent to:

Greg Eckert
South Bay Section T-4-5
Toxics and Waste Management Division
U.S. Environment Protection Agency
215 Fremont Street
San Francisco, CA 94118
(415) 974-7411

If you or your attorney have any legal questions pertaining to this matter, please direct them to David McFadden, Assistant Regional Counsel at (415) 974-0715.

Sincerely,



Jeff Zelikson, Director
Toxics and Waste Management Division

Attachments

cc: Dwight Hoenig, DOHS
Rick Robison, DOHS
Steve Ritchie, RWQCB
Lila Tang, RWQCB
George Gullage, Raytheon

**RECIPIENTS OF GENERAL NOTICE OF LIABILITY
RAYTHEON, INTEL AND FAIRCHILD NATIONAL PRIORITY LIST SITES
(MEW SITES)
MOUNTAIN VIEW, CALIFORNIA**

NEC Electronics, Inc.
John Giovanola,
Vice President of Administration
401 Ellis Street
PO Box 7241
Mountain View, CA 94039
Contact: Michael Kierig

**For Raytheon, Intel
and Fairchild**
George Gullage
PO Box 7016
350 Ellis Street
Mountain View, CA 94039-7016

Siltec
Stanley Myers, President
190 Independence Drive
Menlo Park, CA 94025
Contact: Bernard Yourash

Summit Corporation of America
Al Brazauskas, President
644 National Avenue
Mountain View, CA 94043

Union Carbide Corporation
Robert Kennedy,
President
39 Old Ridgebury Road
Danbury, CT 06817-0001

General Instrument
President
767 Fifth Avenue
New York, NY 10153-0082

GTE
Government Systems Corporation
Clark G. Fiester,
Vice President, Gen. Manager
100 Ferguson Drive
PO Box 7188
Mountain View, CA 94039
Contact: Steve Hochstadt

Tracor Xray
C. A. Van Den Heuvel,
Vice President, Gen. Manager
Tracor Northern
2551 West Beltline Highway
Middleton, WI 53562-2697

Sobrato Development Companies
John Sobrato, Sr.
10600 N. De Anza Boulevard
Suite 200
Cupertino, CA 95014-2031
Contact: John Sobrato, Sr.

Genus, Inc.
Norman Zetterquist, Director
of Process Development
515 Ellis Street
Mountain View, CA 94043

Oxbridge
R. John Simms,
President
1284 Forgewood Avenue
Sunnyvale, CA 94089

Air Products
Dexter Baker,
President
PO Box 2151
Allentown, PA 18105

Moffett Field NAS
Captain C.T. Moyer III,
Commanding Officer
Moffett Field, CA 94035

**Microwave Modules and
Devices, Inc**
Joseph H. Johnson,
President
550 Ellis Street
Mountain View, CA 94043

Tri-Data Systems Corp.
attn: President
1450 Kifer Road
Sunnyvale, CA 94086-5306

Xetex, Inc.
Kenneth F. Sinclair
660 National Avenue
Mountain View, CA 94043-2257

Cermetek Microelectronics
Alexander H.C. Chang,
Chief Executive Officer
1308 Borregas Avenue
Sunnyvale, CA 94088-3565

Microscience International
Kevin Magle,
President
305 North Mathilda Avenue
Sunnyvale, CA 94086

Spectra-Physics
Herbert Dwight,
President
3333 North First Street
San Jose, CA 95134-1995

Siemens Components Inc.
attn: President
19000 Homestead Road
Cupertino, CA 95014